



DOCKET NO. 1749.1010/MJB

DECLARATION UNDER 37 C.F.R. 1.131(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byoung-woo CHO

Serial No.: 10/821,875

Filed: April 12, 2004

For: ELASTIC HEADWEAR

Group Art Unit: 3765

Examiner: Nathan Durham

Declaration Under Rule 132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Junmyeong PARK, declare as follows:

1. I am knowledgeable in the field of headwear based on 21 years of experience in the field, as both a product manager and a sales manager.
2. I have a bachelor degree in Textile Engineering from Pusan National University.
3. I have reviewed U.S. Patent 6,493,880 by Lo. I have also read the present patent application, including the claims. Based on my experience in the field of headwear, I believe that Lo does not teach the feature of claim 1 that "the at least one non-covered stretch yarn is a non-covered spandex yarn which is not covered by any covering yarn."
4. Lo generally relates to a blend woven or a knitted material with an elastic (a spandex yarn (see column 5 of Lo). One of ordinary skill in the art, at the time of Lo, would have understood the spandex yarn (discussed at column 4, line 61 of the reference) to inherently include a covering yarn. Therefore, even though the covering yarn for the spandex is not specifically mentioned, it is the opinion of the undersigned that Lo nevertheless is directed to a headwear including a spandex having a covering yarn.
5. The claimed non-covered stretch yarn is a non-covered spandex yarn which is not covered by any covering yarn and achieves improved ventilation, shape retention, and stretchability as compared to Lo.

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The Declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

By: _____



Junmyeong PARK

Date: _____

December 29, 2010